

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA,
Plaintiff

vs.

Case No. 1:17-cr-00039-WES-LDA-1

REYSEAN WILLIAMS,
Defendant

TRANSCRIPT OF MOTION HEARING
BEFORE THE HONORABLE LINCOLN D. ALMOND
AT PROVIDENCE, MASSACHUSETTS
ON JUNE 21, 2018

APPEARANCES:

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P R O C E E D I N G S

THE COURT: The case before the Court today is the matter of the United States of America versus Reysean Williams. It is Case No. cr-1739-WES. The matter is before the Court today for a hearing on defendant's Motion to Reconsider and to revoke its prior -- the Court's prior pretrial detention order.

Can attorneys present for this proceeding identify themselves for the record, please.

MR. DONNELLY: Good morning, your Honor. Terrence Donnelly for the United States.

MR. DIXON-ACOSTA: Good morning, your Honor. Jay Dixon-Acosta for Mr. Williams.

THE COURT: Alright.

MR. DIXON-ACOSTA: Paul DiMaio also, your Honor, for Mr. Williams.

THE COURT: I didn't even see you over there, Mr. DiMaio. Sorry. I thought you were one of the security guards.

So I have reviewed the motion, tried to get myself back up to speed in this matter. I also reviewed the Pretrial Services Report that was prepared initially after the defendant's first appearance and bail hearing in this matter. What might be helpful before I hear from Mr. Dixon-Acosta or Mr. DiMaio is, Mr. Donnelly, if you could just give me a brief

1 update on the status of this case.

2 Why hasn't this case gone to trial, is it stayed by
3 the co-defendant's Motion to Suppress?

4 MR. DONNELLY: I think presently it is, your Honor,
5 yes. There had been a number of continuances requested by both
6 defendants. No objection by the Government. There's a lot of
7 evidence in this case for counsel to be digesting and
8 evaluating.

9 THE COURT: Sure.

10 But that Motion to Suppress has been briefed and
11 argued?

12 MR. DONNELLY: It's been briefed and argued, yeah.

13 THE COURT: Alright. Thank you.

14 So I'll hear from the defence on the motion.

15 MR. DIXON-ACOSTA: Thank you, your Honor, and thank
16 you for hearing us so expeditiously on this motion, your Honor.

17 THE COURT: Anytime.

18 MR. DIXON-ACOSTA: (Inaudible) between belaboring the
19 Court with what's already been said in the motion and --

20 THE COURT: Well, I'd like to hear it from you,
21 Mr. Dixon-Acosta.

22 So I've heard a lot of information and a lot about
23 Mr. Williams's background. You brought in a number of what I'd
24 call character witnesses way back when from his family, and as
25 I said at the time, it appears he comes from a strong and good

1 family. So all that information I have, his family situation,
2 et cetera. What I'd really be interested in is, you know,
3 since you first argued for the release of your client, you've
4 gotten discovery, you've gotten more information regarding this
5 matter.

6 So is there anything that you've gotten in discovery
7 or learned about this case through your investigation that you
8 think changes the equation at all and might cause me to
9 reconsider the prior detention order?

10 MR. DIXON-ACOSTA: Yes, your Honor.

11 THE COURT: Okay. Tell me what it is.

12 MR. DIXON-ACOSTA: That being the Government's
13 characterization of who Mr. Williams was in this endeavor in
14 relation to the co-defendant, as well as the 17-year-old, was
15 one that there was a particular hierarchy, and I addressed that
16 in my motion, and I believe that characterization was mostly
17 informed by the statement by the 17-year-old who cooperated
18 with investigators. At the time, my understanding is that the
19 investigators had not yet even moved, administrative, subpoena
20 or otherwise, to get other information.

21 So at the time they had the 17-year-old fold, which to
22 some extent would have corroborated what the characterization
23 was. But then when we got the rest of the discovery, it's
24 clear that the 17-year-old, and not to minimize the conduct,
25 was already involved in these endeavors before meeting either

1 of these defendants. It's clear that the 17-year-old, of her
2 own free will and of her own -- she was her own boss, so to
3 speak, your Honor. She decided when and where to do what with
4 whom. She decided what to post and when. She decided what to
5 charge, she decided who she was going to meet, who she wasn't
6 going to meet. It becomes clear through discovery that she and
7 Mr. Gomes were involved in an intimate relationship. It
8 becomes clear through discovery that she, in essence, even
9 threatened to turn in her mother to police for what she says is
10 not getting her fair share of profits from selling her films.

11 Everything in discovery, your Honor, in my opinion,
12 makes the more compelling argument that at worst, the three of
13 these individuals were equal co-conspirators at worst, your
14 Honor. That's in the light most favorable to the Government,
15 not that any one of them pulled strings for the other. More
16 favorably, your Honor, I think that there is a compelling
17 argument that Mr. Williams was a mere instrumentality of the
18 17-year-old who was already engaged in this commercial sex
19 activity who perhaps needed someone with a car and who could
20 book a hotel, or someone to make reservations of that sort, or
21 someone who could post on Backpage as she had done with other
22 people before, your Honor.

23 THE COURT: Okay.

24 MR. DIXON-ACOSTA: Additionally, Mr. Gomes's counsel
25 had characterized it, his prior counsel anyway, Mr. Williams as

1 that of someone who maybe took advantage of Mr. Gomes. I
2 believe the Court was even concerned in the way that Mr. Gomes
3 and Mr. Williams had met, that being Mr. Williams was working
4 at the group home at which Mr. Gomes had resided.

5 I think it has become clearer through Mr. Gomes's
6 post-Indictment conduct that he's not one who had been
7 manipulated by anyone. It appears at worst, your Honor, that
8 there was a coincidental meeting between them and that
9 Mr. Gomes was involved with the juvenile, the 17-year-old, and
10 that one or both of them enlisted at worst the assistance of
11 Mr. Williams. All of that, I think, (inaudible) against the
12 characterization that there was any hierarchy, let alone that
13 Mr. Williams was at the top of that hierarchy.

14 THE COURT: Alright. Anything further?

15 MR. DIXON-ACOSTA: Mr. Williams has (inaudible)
16 himself the model detainee by all accounts, your Honor, and I
17 think that also supports the characterizations of his family as
18 who they've known him to be, notwithstanding the allegations.

19 Thank you, your Honor.

20 THE COURT: Mr. Donnelly?

21 MR. DONNELLY: Thank you, your Honor.

22 Very briefly, your Honor, we object to the motion. We
23 believe it should be denied. There's been no significant
24 change in circumstances here. The case, as the Court indicated
25 in its --

1 THE COURT: Can you, and it's been a while since I
2 heard this matter, the defendant is charged with offenses which
3 trigger the presumption of detention, the rebuttable
4 presumption of detention as a risk of flight and danger to the
5 community. Do any of these charges trigger mandatory minimum
6 jail sentences?

7 MR. DONNELLY: Yes, your Honor. He's indicted for
8 offenses that carry ten-year mandatory minimum sentences.

9 THE COURT: So refresh my recollection.
10 Mr. Dixon-Acosta makes an argument, I think he used the word
11 that at most all three of these were equal co-conspirators
12 here, that his client was a mere instrumentality assisting
13 Mr. Gomes and the 17-year-old in this endeavor. Is that a fair
14 characterization of the evidence?

15 MR. DONNELLY: No.

16 THE COURT: How would you describe the evidence or how
17 can you proffer some of the evidence?

18 MR. DONNELLY: Yes, your Honor. I mean, from the
19 30,000-foot level, you know, we believe that -- we stand by our
20 position that Mr. Williams was the leader of this conspiracy.
21 He was 27 years old, 28 years old, had a car that was being
22 used to effectuate the prostitution conspiracy. He was the one
23 with funds, as well as internet access, to, again, facilitate
24 the acting out of the conspiracy.

25 He met with the victim. She discussed with him

1 arrangements for how they would do business together. He told
2 her she would get half of the money and he would keep half of
3 the money. That, of course, as in most of these, is a common
4 representation that never turned out to be true.

5 The victim did not keep hardly any of the money which
6 was given to her by her customers. We have never painted the
7 victim in this case, the 17-year-old, as a model of virtue,
8 your Honor. Mr. Dixon-Acosta is correct, that the victim had
9 engaged in other acts of prostitution, most likely prior to
10 meeting Mr. Williams, but certainly Mr. Williams, with the help
11 of Mr. Gomes, got her organized where she estimated she was
12 doing probably ten plays a day. She said sometimes less,
13 sometimes more.

14 It was Mr. Williams who helped with his vehicle
15 facilitate the transportation of this minor three states away
16 to New York where the defendant took her to a hotel in Copiag,
17 New York on Long Island. That information --

18 THE COURT: How does that come about, is that just
19 randomly picking a place or is there some connection with
20 somebody to this --

21 MR. DONNELLY: I'm not sure, your Honor. I would
22 hypothesize that the defendant was very familiar with that
23 area. When his relatives testified, or friends or relatives at
24 the bail hearing, some of them were from that area of New York.
25 So I think he may have been familiar with that area. Don't

1 know, but certainly plays were set up down there.

2 Since we were last before the Court on this case,
3 we've been able to confirm we obtained search warrants for the
4 defendant's cell phone on the date that's specified in the
5 Indictment, March 25, 2017. The location data for his cell
6 phone, for example, on that date comes back that that phone was
7 in Copiag, New York on that date. So we feel that the weight
8 of the evidence has only gotten stronger against Mr. Williams
9 and Mr. Gomes.

10 I would also ask the Court that, and it might be
11 understandable, but not to conflate Mr. Gomes's defense
12 counsel's arguments on his behalf for bail the various times we
13 were before the Court, not to conflate those arguments with
14 what we were saying about Mr. Gomes, I think the Court knows
15 our position all along was that Mr. Gomes should be detained.
16 You know, again, this Court, I think, gave him every benefit of
17 the doubt on bail issues, but Mr. Gomes couldn't help himself
18 and finally violated so many conditions, it put this Court in a
19 position where he had to be detained.

20 Our position was all along that he should be detained,
21 that he's dangerous, et cetera. We never painted him as an
22 alter boy either and as somebody who was an innocent victim of
23 Mr. Williams. What we have here is a person certainly who is
24 nine or ten years older than an 18-year-old who has no parental
25 guidance in his life, no familial guidance in his life of any

1 practical import. Certainly, Mr. Williams should know and knew
2 better that whether you want to call him a predator or whether
3 you want to call him an opportunist who is taking advantage of
4 the services offered by Mr. Gomes to him to help him in this
5 conspiracy, I don't think it matters much. It certainly
6 doesn't acquit anybody of any offense here.

7 Mr. Williams was, again, reminding the Court, a worker
8 at a group home, was using the group home's van to swing by the
9 residence of Mr. Gomes where the minor victim was crashing, for
10 lack of a better term, at the time, was staying at that time,
11 and Mr. Williams, according to the victim, would come by and
12 collect money from Mr. Gomes.

13 THE COURT: And the minor victim, was she under state
14 supervision at the time?

15 MR. DONNELLY: She was, your Honor. I believe a
16 Capias or a Family Court warrant had been issued for her. When
17 she was recovered by Special Agent Donaghy and Detective
18 Iacone, she was turned over to the Family Court. I believe she
19 was held in Family Court custody for some time, a month or two,
20 in there somewhere, but then she was released. She's in the
21 community at present.

22 I don't know if that answers the Court's questions
23 here. We just don't think anything has really changed here,
24 except the passage of time, which with the passage of time is
25 all based on, you know, Motions to Continue and Motions to

1 Suppress filed by the defendants. So we'll be ready to go when
2 they are and after Judge Smith decides the Motion to Suppress.

3 THE COURT: Alright. Mr. Dixon-Acosta, is there
4 anything you wish to respond briefly, sir?

5 MR. DIXON-ACOSTA: Just that the Government's position
6 regarding the hierarchy is a theory, your Honor. It's a theory
7 that fits neatly regarding age differences between these three
8 individuals. It fits neatly regarding the (inaudible).

9 THE COURT: Well, one minute. I mean, it fits more
10 than neatly -- may I have -- the people involved in this
11 conspiracy are a minor who was in state custody, a minor, or,
12 excuse me, a young 18-year-old, a young adult who had just been
13 released from state supervision, and then somebody who is
14 working in a group home, I mean, it's more than just a theory.
15 That's a fact, right, of who the players are in this.

16 I mean, one could argue that somebody who is working
17 in the field he's working at, if he had knowledge that there
18 was a minor who was under some state supervision and was
19 involved in these activities, he should be going to law
20 enforcement, not using it as an opportunity to make some money
21 on the side.

22 MR. DIXON-ACOSTA: I'm not arguing the theory, your
23 Honor. The argument is whether poor judgment when one should
24 know better automatically equals preying upon a younger person.
25 In this case, with the volume of evidence, I submit it's

1 equally compelling, if not more compelling, when you look at
2 the histories of who these three individuals are; that you have
3 a minor who has been involved in the particular activity and
4 who is actively looking to align themselves with someone to
5 help her further at her activity. That's not a
6 characterization, that's her own words, your Honor, via text
7 messages.

8 And not with these people, with people other than the
9 defendants before she met the defendants. You have she, who
10 has been involved in this activity, knows the ins and outs of
11 what to do, enlists her new roommate, significant other, and
12 his older associate/confidant/former whatever, to help her
13 engage in this activity. You have her conduct via text message
14 with others militating against the suggestion that she is one
15 who could be prayed upon by anyone, regardless of the age.
16 Even at 17 when she takes the reigns, takes the initiative, to
17 do XYZ to further this activity, to decline engaging in
18 activity that she's not comfortable with to herself suggest to
19 others, women, that they should also be involved in this
20 activity because of the money she's making. All of that
21 factually goes against the theory that it is Mr. Williams who
22 is reaping the benefits; it is Mr. Williams who is directing
23 the activity; it's Mr. Williams whose behest at which she is
24 doing these things.

25 Similarly, Mr. Gomes's own background and behavior

1 militates against the suggestion that he was taken advantage
2 upon by anyone. If the allegations were true, there is no
3 doubt that Mr. Williams should have known better. There's no
4 doubt that he should not have been engaged in this activity.
5 There's no doubt that at the first sign of either one of these
6 18/17-year-olds coming to him and suggesting that they could
7 make money in this way, that he should have said no way and
8 dialed the phone and called Mr. Donnelly. But what the
9 evidence shows him actually doing does not, in my fair opinion,
10 your Honor, hold weight that when you view that against who
11 these individuals are and what they've done of their own
12 rapport, that he was the one who they reported. When you take
13 that out of the equation, I resubmit that what you have are
14 three individuals, maybe one being older and wiser than the
15 other two, maybe should have known better on his own, but three
16 individuals who were equally engaged in activity for their own
17 (inaudible) benefit or to assist one another, and it's on that
18 basis that I believe tips the scale, and hope the Court will
19 agree, to allow Mr. Williams a chance to re-engage with the
20 community while the matter is pending. He has handled himself
21 both before this indiscretion, and I don't mean to -- strike
22 that.

23 THE COURT: I hear you. I understand.

24 MR. DIXON-ACOSTA: And insist as one who would seek
25 the opportunity to atone for what has been done and to answer

1 the consequences.

2 THE COURT: Alright. Thank you, sir.

3 The defendant is charged with offenses in this case
4 that carry a significant mandatory minimum jail sentence which
5 creates a risk of flight, and also suggests a danger to the
6 community given the nature of the activities engaged in. The
7 offenses charged trigger under federal law presumption that
8 there are no bail combination -- conditions or combination of
9 bail conditions that I could set that would reasonably assure
10 the safety of the community or the defendant's appearance for
11 future court proceedings.

12 As required, that is a presumption that may be
13 rebutted by the defendant. I previously found that the
14 defendant did not rebut that presumption and I continue to find
15 that the defendant has not rebutted that presumption. Even if
16 I accept the argument that all three here are equal
17 co-conspirators, I don't think that that argument, although
18 well made by Mr. Dixon-Acosta, tips the balance, in my opinion.

19 So I am going to deny the defendant's motion to
20 reconsider bail in this matter, Document No. 70. I will issue
21 a written order that says I'm denying that for the reasons
22 stated at today's hearing. If the defense wishes to appeal
23 that decision or create -- that will be a decision you can
24 appeal to Judge Smith if you choose to from the docket.

25 Anything further today from the Government in this

1 matter, Mr. Donnelly?

2 MR. DONNELLY: No. Thank you.

3 THE COURT: Anything further from the defense today?

4 MR. DIXON-ACOSTA: No. Thank you again for hearing
5 this, your Honor.

6 THE COURT: So the defendant remains detained as
7 previously ordered. Court will be in recess.

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9 (The hearing was concluded.)

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C E R T I F I C A T I O N

I, Karen M. Aveyard, Approved Federal Court Transcriber, do hereby certify that the foregoing transcript, consisting of 15 pages, is a correct transcript prepared to the best of my skill, knowledge and ability from the official digital sound recording of the proceedings in the above-entitled matter.

/s/ Karen M. Aveyard

Karen M. Aveyard

July 18, 2018

Date